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October 3, 2022

File No. 53439.02

Via ECF

Honorable Esther Salas, U.S.D.J.
U.S. District for the District of New Jersey
Martin Luther King Building & U.S. Courthouse
50 Walnut St.
Newark, New Jersey 07102

The Honorable James B. Clark III, U.S.M.J.
United States District, District of New Jersey
Martin Luther King U.S. Court House Building
50 Walnut Street
Newark, NJ 07102

Re: LiveUniverse, Inc. v. Rene Muijers, et als
Docket No.: 2:22-cv-04918-ES-JBC

Dear Judges Salas and Clarke:

Our firm, together with *pro hac vice* counsel, represent defendants ViralHog, LLC, KMMT, LLC, Brent Maggio, and Ryan Bartholomew in *LiveUniverse, Inc. v. Muijers, et al*, Case No. 2:22-cv-04918-ES-JBC.¹ We write regarding Palisades Capital, Inc.'s motion to consolidate the above-referenced case with *Palisades Capital, Inc. v. Muijers, et al*, Case No. 2:21-cv-20054-ES-JBC. (Palisades Doc. 36, the "Motion for Consolidation").

Since receiving plaintiff Palisades Capital, Inc.'s ("Palisades") Motion for Consolidation of these cases, we worked diligently, at significant cost and expense to our clients, preparing a detailed responsive briefing opposing the motion. The undersigned intended to file that brief today—the day opposition was due.

Instead, starting this morning and continuing into the afternoon, Palisades' counsel filed a flurry of new documents, seeking to withdraw from representation in both the above referenced matters over a seeming breakdown in the attorney-client relationship; and a notice (and later amended notices) to withdraw the Motion for Consolidation. The latter filing indicated (subsequently

¹ This letter is not a waiver of any of these defendants' defenses including but not limited to ineffective or lack of service of process, or lack of jurisdiction.

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removed in a pair of amended notices) that Palisades may try to move to supplement pleadings under F. R. Civ. P. 15(d) (the now seemingly-withdrawn Motion for Consolidation likewise appeared to indicate an amendment to pleadings would be sought if granted). The notice to withdraw the Motion for Consolidation appears to have made the filing of a brief in opposition moot.

These eleventh-hour developments led to a significant waste of our clients resources, and are assured to result in only one thing: a delay in the resolution of both these matters. ViralHog, KMMT, Maggio, and Bartholomew continue to assert these cases should be concluded via the motions to dismiss that have been filed by the parties in each, without further need to expend time and resources to rebut the ever-changing theories and arguments of Palisades and LiveUniverse, and the man behind both, Brad Greenspan.

The purpose of this letter is to preserve the above information in the docket, and to respectfully inform the Court of Brad Greenspan's continual prolonging of this case, and related litigation, to the cost and detriment of our clients.

Our clients reserve all rights.

We appreciate Your Honors' respective consideration.

Respectfully submitted,

LEWIS BRISBOIS BISGAARD & SMITH, LLP

Attorneys for ViralHog, LLC, KMMT, LLC, Brent Maggio, and Ryan Bartholomew

s/ James S. Rehberger

James S. Rehberger, Esq.

WORDEN THANE P.C.

s/ Martin Rogers

Martin Rogers, Esq. *Admitted Pro Hac Vice*

JSR

cc: All counsel of Record (via ECF)